

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RECEIVED
Aug 13, 2008
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

Howard Norris)
Petitioner-Defendant) FEDERAL CASE NO:
Vs.)
Argent Mortgage Company, L. L. C.,) 08CV4595
Respondent-Plaintiff) JUDGE LEFKOW
) MAGISTRATE JUDGE ASHMAN
)
) MAGISTRATE COURT — — — —
) CASE NO.
) 04CH19090
)
)
)

**COMPLAINT FOR DAMAGES, NOTICE OF REMOVAL and FEDERAL STAY
(Pursuant to 28 USCA 1367, 28 USCA 1446(D) & 1452)
SUPPLEMENTAL OF JURISDICTION**

TO: Argent Mortgage Company, L. L. C.,

You are hereby notified of the filing of a PETITION FOR REMOVAL in the United States District Court for the Northern District of Illinois, Eastern Division pertaining to the above captioned case and number in the Magistrate Court of Cook County in accordance with the provisions of the U.S. District Court has supplemental jurisdiction over any and all State Court claims and related claims Pursuant to 28 USCA 1367(a) in addition to 28 USCA 1446 Judiciary and Procedure as regards eviction proceedings occurring in violation of the Uniform Commercial Code, among others. Pursuant to the provisions of Section 28 USCA 1446(d) the Magistrate of Cook County,

Pursuant to the provisions of Section 28 USCA 1446(d) the Magistrate of Cook County, State of Illinois, shall not proceed with any eviction of the Petitioner from the real property that as set forth on the following grounds with: Statement of Federal Jurisdiction, Statement of Supplemental Jurisdiction, and Applicable Law.

STATEMENT OF FEDERAL JURISDICTION

The U.S. District Court has jurisdiction over this complaint for damages for the following reasons: the dollar amount in controversy exceeds \$75,000.00, and there is a federal question of law with respect to the Title 15 of the USCA Fair Debt Collections Act. This Court has jurisdiction with respect to the parties concerning Diversity of Jurisdiction. The Plaintiff in this action demands relief above of the amount of \$500,000.00

STATEMENT SUPPLEMENTAL OF JURISDICTION (Pursuant to 28 USCA 1367)

The U.S. District Court has supplemental jurisdiction over any and all State Court claims and related claims Pursuant to 28 USCA 1367(a). The State Illinois is a state as defined in 28 USCA 1367(e)(d).

APPLICABLE LAW

The following Applicable Statutes are set forth in this Compliant for Damages as Mandatory Authority with respect to: the U.S. Supremacy Clause, the Preemption Doctrine and the U.S. Const. Art. VI, Paragraph 2. The following authorizing legal distinctions- Mandatory Authority, Controlling Authority and Supporting Authority- are set forth herein.

**Mandatory Authority
(U.S. Supremacy Clause)**

(a) 28 U.S.C.A. 1367, 28 U.S.C.A. 1367(a), 28 U.S.C.A. 1367(e) (d), 11 U.S.C.A. 362(C), 12 U.S.C. 3752(l), 12 U.S.C. 3755, 12 U.S.C. 3752(3), 12 U.S.C. 3752(7), 12 U.S.C. 3758(1), 12 U.S.C. 3752(1), 12 U.S.C. 3758(1), 12 U.S.C. 3758 (2)(A)(i), 12 U.S.C. 3758 (3)(A), 12 U.S.C. 3757 12 U.S.C. 3757(9), 12 U.S.C. 3757(10), 12 U.S.C. 3759(C), 12 U.S.C. 3765, 12 U.S.C. 3765(1), 12 U.S.C. 3765(2), 12 U.S.C. 3765(3), Title 15 Fair Debt Collections Act, 28 U.S.C.A. 1201(RESPA), Article 3 section 603 of the UCC.

1.

The Defendant Argent Mortgage Company L.L.C. did violate the 15 USCA Fair Debt Collection Act, and Article 3 section 603 of the Uniform Commercial Code with unlawful foreclosure proceedings.

2.

The Argent Mortgage Company L.L.C. is the Assignee and/or Trustee in unlawfully conducted foreclosure and eviction proceedings against the Plaintiff in violation of 12 U.S.C. 3756(1), 12 U.S.C. 3758(3)(A), 12 U.S.C. 3758(1), and Title 11 of U.S. Bankruptcy Code.

3.

The Defendant Argent Mortgage Company L.L.C. did violate the Real Estate Settlement procedures Practice Act. (RESPA) 28 U.S.C.A. 1201 in connection with unlawful acts perpetrated upon the Plaintiff at the real property closing of the said subject real property owned by the Plaintiff, Howard Norris

4.

The Respondent (i.e., Plaintiff in State Court) did unlawfully violate 11 USC 362
(c) with eviction proceedings.

5.

The Respondent Argent Mortgage Company, L. L. C. is an Assignee or Trustee in an unlawful foreclosure proceeding and eviction proceedings with and against the Petitioner in violation of 12 U.S.C. 3765(1), 12 U.S.C. 3758(3)(A), 12 U.S.C. 3758(1) and Title 11 of the U.S. Bankruptcy Code.

WHEREFORE the Petitioner-Defendant demands the following relief:

1. That this honorable Court remove Plaintiff's action from the State Court.
2. Afford and accommodate adequate discovery to be conducted in the United States District Court, Northern District of Illinois, Eastern Division.
3. This honorable court awards compensatory damages to the Plaintiff Howard Norris in the amount of \$250,000.00 by entering a judgment against the Defendant Argent Mortgage Company L.L.C.
4. Enter a judgment for punitive damages against the Defendant Argent Mortgage Company L.L.C. in the amount of \$250,000.00 for the violation of the U.S. Bankruptcy Code with unlawful dispossessory proceedings.
5. Grant all relief this court deems just and proper.

VERIFICATION
(Affidavit)

The undersigned Affiant Howard Norris by appellation does herewith swear, declare and affirm that the Affiant executes this Affidavit with sincere intent and competently states the matters set forth. I the undersigned, being under penalty of perjury, state that I do not have an attorney to represent me in this case. Also, that the contents herein are true, correct and not misleading to the best of my knowledge.

Dated this 13 day of Aug., 2008

Howard Norris, in pro se
4930 W.190th Street
Country Club Hills, Illinois 60478

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ARGENT MORTGAGE COMPANY, L.L.C.,)
Plaintiff(s),)

vs.)

HOWARD NORRIS,
Defendant(s).)

Case No. 04-CH-19090
Calendar No. 18

Shelly K. Hughes
Intercounty Judicial Sales Corporation

ORDER CONFIRMING SALE

JAN 15 2008

Circuit Court - 1864

NOW COMES Shelly K. Hughes, Supervisor of Sales of Intercounty Judicial Sales Corporation, and files herein her Report of Sale and Distribution of the proceeds of Sale of the premises involved herein.

The Court finds that Intercounty Judicial Sales Corporation has, in all things, proceeded in accordance with all the terms of the Judgment heretofore entered in making the Sale of the premises involved herein and in distributing the proceeds derived from said Sale, and:

The Court further finds that the proceeds of Sale of said premises were in the sum of \$250,000.00, (TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS) and that Intercounty Judicial Sales Corporation has retained therefrom for their fees and commissions in accordance with the terms of said Judgment, the sum of \$300.00.

The Court further finds that under said Judgment, there remains a deficiency balance in the sum of \$132,677.00, and an In-Rem Judgment is hereby entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

That said Sale of the premises included herein by Intercounty Judicial Sales Corporation and the distribution by them of the proceeds of Sale and their Report of Sale and Distribution be and they are hereby in all respects approved, ratified and confirmed.

IT IS FURTHER ORDERED that an Order of Possession be and is hereby entered. The Sheriff of Cook County be and is hereby directed to evict the defendants, HOWARD NORRIS, and others.

possessions from the premises described as the following:

LOT 48 IN MARYLAKE ESTATES UNIT 2, BEING A RESUBDIVISION OF THE PART OF LOT 1 IN MARYCREST, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Common Address: 4930 West 190th Street, County Club Hill, Illinois 60478

and place in possession Plaintiff, CHRISTIANA BANK & TRUST COMPANY, its Assignee or Donee. Possession is stayed thirty (30) days, pursuant to 735 ILCS 5/15-1701 (d).

IT IS FURTHER ORDERED that Intercounty Judicial Sales Corporation be and is hereby ordered, that upon presentation by Plaintiff, or its Assignee, of the duly issued Certificate of Sale, that it immediately issue a Judicial Sales Deed for the subject premises to Plaintiff or its Assignee. All claims of parties to the foreclosure are hereby terminated and barred pursuant to 735 ILCS 5/15-1509 (c).

IT IS FURTHER ORDERED that the Deed to be issued to CHRISTIANA BANK & TRUST COMPANY, AS TRUSTEE OF THE SEQUOIA HOLDING TRUST hereunder is a transaction that is exempt from all transfer taxes, either State or local, and the County Recorder of Deeds is ordered to permit immediate recordation of the Judicial Deed issued hereunder without any exemption stamps.

Plaintiff
This Order shall not be the basis for a suit upon the Note.
~~Defendant has 30 days to advise the Plaintiff under the Act.~~
Plaintiff shall send a copy of this Order to the Defendants by regular mail within seven (7) days.

ENTERED:



JUDGE

Attorney No. 18837
LAW OFFICES OF IRA T. NEVEL
175 North Franklin
Suite 201
Chicago, Illinois 60606
(312) 357-1125

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHAMBER DIVISION

ARGENT MORTGAGE COMPANY, I.L.C., Plaintiff,) 04 CV 10009-William R. Conklin
vs.)
HOWARD NORRIS, Defendant,) JAN 15 2009

METHOD OF SALE AND PRICE

I, Shelly K. Hughes, the supervisor of sales of Pennsylvania
Judicial Sales Corporation, selling officer appointed in the
matter captioned above, do hereby report:

That pursuant to a Judgment of Foreclosure and Sale entered herein, the plaintiff advertised the following described real estate to be sold at public auction to the highest bidder for cash at 11 a.m. at the offices of Interstate Judicial Sales Corporation, 120 West Madison Street, Suite 710, Chicago, Illinois 60602, as set forth in the certificate of publication attached hereto and made a part hereof:

That said sale was adjourned pursuant to Section 1507(c)(4) of the Illinois Mortgage Foreclosure Law (S.H.A. 735 ILCS 5/1507(c)(4)) by public announcement on November 30, 2007.

That at that time and place, I offered said premises for sale at public auction to the highest bidder on the terms specified in said advertisement.

That Argent Mortgage Company, L.L.C., the plaintiff herein,
offered and bid therefore the sum of two hundred fifty thousand
and 00/100 dollars (\$250,000.00); and

That being the highest and best bid, I accordingly struck off
and sold to said bidder the following described two estates:

LOT 48 IN MARYLAKE ESTATES UNIT 2, BEING A NEIGHBORHOOD OF THE
PART OF LOT 1 IN MARYLAKE BEING A SUBDIVISION OF PART OF THE
NORTHEAST 1/4 AND PART OF THE SOUtheast 1/4 OF SECTION 35, TOWNSHIP
35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS. Commonly Known as 4930 North Lincoln Street,
Country Club Hills, IL 60478. P.O.W. 31-54-112-228

REPORT OF SALE AND DISBURSEMENTS - DEPT. 2

I, Shelly K. Hughes, the supervisor of sales for Intercounty Judicial Sales Corporation, selling officer responsible for the matter captioned above, do hereby certify respectively,

That Intercounty Judicial Sales Corporation has received and delivered to said purchaser the Deed of Sale, a copy of which is attached hereto, along with a copy of the Certificate of Sale (if any) delivered to said purchaser.

That the proceeds of said sale will, upon confirmation of the sale, be disbursed as follows:

1. To the Plaintiff:

| | |
|---|----------------------------|
| a) The amount due under judgment | <u>\$305,441.56</u> |
| b) Interest thereon from date of judgment to date of sale | <u>\$74,805.32</u> |
| c) Publication costs | <u>\$1,131.00</u> |
| d) Tax and insurance advances since judgment | <u>\$0.00</u> |
| Subtotal | <u>\$382,377.88</u> |

2. Costs of Sale

| | |
|--|------------------------|
| a) To the Selling Officer, as commission | <u>\$300.00</u> |
| b) Recording/Registration costs | <u>\$0.00</u> |
| Subtotal | <u>\$300.00</u> |

TOTAL AMOUNT DUE PLAINTIFF**\$382,677.88****TOTAL PROCEEDS OF SALE****\$284,000.00****SURPLUS OR (DEFICIENCY)****(\$98,677.88)**

Respectfully submitted

Date: November 30, 2007

INTERCOUNTY JUDICIAL SALES CORPORATION

By _____

IN THE COURTS OF
ILLINOIS
COOK COUNTY

ARGENT MORTGAGE COMPANY, L.L.C., Plaintiff,

vs.

ROBERT J. MORRIS, Defendant,

Defendant,

STATEMENT OF SALE

I, Shelly K. Hughes, the undersigned representative of the Intercounty Judicial Sales Corporation, having been appointed by the Plaintiff in the matter captioned above, as Sheriff of Cook County, Illinois, and having advertised the following described real estate for sale at public auction to the highest bidder per bid or offer made in said advertisement, on Friday, November 16, 2007, at the office of Intercounty Judicial Sales Corporation, 100 North Dearborn Street, Suite 718A, Chicago, Illinois 60603, and at that time and place I offered said premises for sale at public auction to the highest bidder for cash.

Argent Mortgage Company, L.L.C., the Plaintiff herein, offered and bid therefore the sum of \$280,000.00, that being the highest and best bid. I accordingly struck off and sold to said bidder the following described real estate:

LOT 48 IN MARYLAKE ESTATES UNIT 2, WHICH IS A SUBDIVISION OF THE PART OF LOT 1 IN MARYCREST, BEING A CORNER TRACT OF ONE OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4, BOUND ON THE EAST BY 39 NORTH, RANGE 13, EAST OF THE SECOND PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS. Commonly known as Marylake Estates, Country Club Hills, IL 60478. P.I.B. #1-04-400-000.

Intercounty Judicial Sales Corporation has been duly received as full payment from said bidder the sum of \$280,000.00.

Witness my hand and seal, this Friday, November 16, 2007.

SHELLY K. HUGHES
INTERCOUNTY JUDICIAL SALES CORPORATION